

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF COLORADO**



In re:

Astra Veda Corporation,

Debtor.

Case No. 25-14283-KHT

Chapter 7

**OBJECTION AND MOTION FOR PROTECTIVE ORDER TO BALLISTIC BARRIER
PRODUCTS, INC.'S MOTION FOR RULE 2004 EXAMINATION**

I. INTRODUCTION

James Michael Davis ("Davis"), appearing pro se in his capacity as a creditor of Astra Veda Corporation ("Astra") and as the personal assignee of all claims and rights previously held by Penobscot Enterprises International, Inc. ("Penobscot"), respectfully objects to and seeks protection against the overbroad Rule 2004 Examination motion filed by Ballistic Barrier Products, Inc. ("BBP").

The duly appointed Chapter 7 Trustee, Harvey Sender, is the fiduciary of Astra. Davis files this objection solely to protect his interests as creditor and assignee and to prevent BBP's misuse of Rule 2004 to pursue improper and defamatory collateral discovery.

Pursuant to Local Bankruptcy Rule 5005-1 and Federal Rule of Bankruptcy Procedure 5005(a), the United States Bankruptcy Court for the District of Colorado does not permit electronic filing by pro se (non-attorney) parties. Accordingly, this motion is properly submitted to the Clerk of the Court in paper form by mail and shall be deemed filed as of the date received and stamped by the Clerk's Office.

II. BACKGROUND

1. Penobscot Enterprises was dissolved in October 2024. Pursuant to Colorado law, all existing claims and rights were formally assigned to Davis personally at dissolution.
2. From July 2023 until its dissolution, Penobscot loaned substantial cash funds to Astra to keep it operational. After dissolution, Davis personally loaned funds to Astra through July 9, 2025 — days before the petition date.
3. Davis is thus the largest creditor of Astra and the real party in interest with respect to the Penobscot loans.

4. BBP's Rule 2004 request improperly seeks production of all corporate records of Penobscot, a dissolved non-debtor Colorado entity, and Davis's personal records, far beyond the permissible scope of examining the debtor's financial affairs.

III. ARGUMENT

A. Scope of Rule 2004

Rule 2004 permits examination into "the acts, conduct, or property of the debtor, the liabilities and financial condition of the debtor, or any matter which may affect the administration of the debtor's estate." Its scope is broad but not unlimited. Courts consistently reject attempts to use Rule 2004 to harass non-debtors or to gain discovery for collateral litigation.

Production should be limited to transactions within the applicable statutory lookback periods under 11 U.S.C. §§ 547 and 548, which define the temporal boundaries for any relevant inquiry and ensure that discovery remains focused, lawful, and proportional.

The inclusion of unfounded and defamatory allegations in BBP's motion, particularly the reference to "embezzlement," evidences conduct inconsistent with the good-faith obligations imposed by the Federal Rules. Such statements serve no legitimate purpose in the administration of this Chapter 7 estate and appear calculated to inflict reputational harm and gain collateral advantage. Accordingly, Davis respectfully requests that the Court take notice of this improper purpose and reserves all rights to seek appropriate relief under Fed. R. Bankr. P. 9011 and the Court's inherent authority should similar conduct recur.¹

B. Penobscot's Dissolution and Assignment Narrow the Field

Because Penobscot no longer exists and has assigned all claims to Davis, there are no ongoing corporate records to be compelled. The only relevant records are the loan agreements and specific financial transactions between Penobscot (and later Davis) and Astra — documents Davis has already preserved and can provide through the Trustee.

¹ See *Fed. R. Bankr. P. 9011(b)(1)* (prohibiting papers presented for improper purpose, such as to harass or cause unnecessary delay); *Chambers v. NASCO, Inc.*, 501 U.S. 32, 44–46 (1991) (recognizing the court's inherent power to sanction bad-faith conduct); *In re Courtesy Inns, Ltd.*, 40 F.3d 1084, 1089 (10th Cir. 1994) (affirming bankruptcy court's inherent authority to sanction bad-faith or vexatious litigation tactics).

C. Improper Purpose: Collateral Use in California Litigation

BBP's true objective is transparent. Mr. Davis is presently engaged in two related California actions involving business associates of BBP Director Todd Baszucki. Messrs. Scott and Benjamin Eppinga are named parties in one of those matters. Mr. Baszucki—who served as the debtor's former advisor for nearly 7 years and Astra's largest investor and the principal cash investor in Ballistic Barrier Products—shares direct financial and litigation interests with the Eppinga brothers. These overlapping relationships suggest that BBP's Rule 2004 motion is influenced by collateral litigation interests rather than the administration of this estate.

By seeking expansive discovery of Penobscot and Davis here, BBP and Baszucki are attempting to short-circuit the ordinary limits of state-court discovery before that case number is issued. Rule 2004 cannot be used as a backdoor for this improper litigation purpose.

D. Embezzlement Allegation is Baseless and Irrelevant

In support of its motion, BBP has gone so far as to level unfounded allegations that Davis "embezzled investor funds." These allegations are wholly unsupported by evidence, irrelevant to the administration of Astra's estate, and transparently designed to prejudice Davis in parallel California litigation.

Courts have consistently rejected Rule 2004 requests when pursued for harassment or defamatory purposes. The allegation has already circulated beyond this proceeding, illustrating the reputational harm and bad faith underlying its inclusion. See *In re Mittco, Inc.*, 44 B.R. 35, 36 (Bankr. E.D. Wis. 1984) (Rule 2004 may not be used to harass or for purposes of defamation)

If there were any legitimate concern of embezzlement impacting Astra's estate, the Chapter 7 Trustee is the proper party to investigate. Absent such action, the Court should view BBP's accusations as further proof of bad faith and improper use of Rule 2004.

E. Trustee Primacy

The Chapter 7 Trustee, Harvey Sender, is the proper party to request and review Astra-related loan records. If the Trustee deems broader records necessary, he has statutory authority to pursue them. BBP, as an interested party and/or creditor, should not be permitted to commandeer the trustee's role.

IV. RELIEF REQUESTED

Davis respectfully requests, pursuant to Fed. R. Bankr. P. 2004 and 9011, that the Court:

1. Deny BBP's Rule 2004 motion to the extent it seeks non-debtor or personal financial records;

2. Limit any permitted production to transactions within the applicable statutory lookback periods under 11 U.S.C. §§ 547–548;
3. Strike or disregard BBP’s unsupported and defamatory allegation of “embezzlement” as irrelevant, made in bad faith, and calculated to cause harm;
4. Enter a protective order prohibiting the use of any discovery materials for collateral or extrajudicial purposes;
5. Davis further requests that the Court take notice of BBP’s inclusion of unfounded and defamatory allegations, which appear intended to cause reputational harm, and reserves all rights to seek appropriate relief under Federal Rule of Bankruptcy Procedure 9011 or the Court’s inherent authority should such conduct continue; and
6. Grant such other and further relief as the Court deems just and proper.

Respectfully submitted,


/s/ James M Davis

James Michael Davis

Creditor and Assignee of Penobscot Enterprises’ Claims

Pro Se

CERTIFICATE OF SERVICE

I hereby certify that on day of this certificate, a true and correct copy of the foregoing Objection and Motion for Protective Order, Notice of Appearance, and this Certificate of Service was served upon the parties listed below by the method indicated.

VIA CM/ECF Electronic Notice:

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U.S. Trustee

VIA U.S. Mail:

DATED this 6th day of October 2025

Respectfully submitted,

/s/ James M Davis

James Michael Davis

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Attorney for Ballistic Barrier Products, Inc.



NOTICE OF APPEARANCE AND REQUEST FOR NOTICES

COMES NOW, James Michael Davis ("Davis"), appearing pro se, and hereby enters his appearance in the above-captioned case as a creditor and assignee of all claims and rights of Penobscot Enterprises International, Inc., a Colorado corporation dissolved in October 2024.

Pursuant to Bankruptcy Rule 9010(b), Davis respectfully requests that his name and address be added to the mailing matrix and that copies of all notices, pleadings, and other filings in this case be served upon him at the address below.

Respectfully submitted,


/s/ James M Davis

James Michael Davis

Creditor and Assignee of Penobscot Enterprises' Claims
281 Sugar Hollow Trail Piney Flats, TN 37686
Email: Mick.Davis@cyber-fi.com
Phone: (303) 881-4182



Pro Se

25-14283-

UNITED STATES BANKRUPTCY COURT
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COVER SHEET FOR CLERK'S FILING

Title of Document: Objection and Motion for Protective Order to Ballistic Barrier Products, Inc.'s Motion for Rule 2004 Examination; Notice of Appearance and Request for Notices; and Certificate of Service.

Filing Party: James Michael Davis, appearing pro se as creditor and assignee of the claims of dissolved Penobscot Enterprises International, Inc.

Date of Filing: 6th Day of October 2025

Enclosed please find the original and one copy of a Pro Se Motion for filing in the above-referenced case. I am a non-attorney party filing by mail. Please date-stamp the copy and return it in the enclosed self-addressed, stamped envelope. Thank you for your assistance.

Purpose of Filing: **This filing is submitted in response to Ballistic Barrier Products, Inc.'s Motion for Rule 2004 Examination and Ex Parte Motion Joiner Todd Paul Baszucki.** The undersigned respectfully requests that the Clerk of the Court docket the attached documents under the above referenced case number.

For Clerk's Use Only:

- Verified debtor case number and chapter designation.
- Confirmed filer is pro se creditor and not representative of the debtor.
- Checked for inclusion of certificate of service.
- Forwarded to Judge Tyson's chambers after docketing, if required.

Respectfully submitted,

/s/ James M Davis

A handwritten signature in black ink, appearing to read "James M Davis", written over the typed name.

James Michael Davis
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Pro Se

UNITED STATES BANKRUPTCY COURT

DISTRICT OF COLORADO

In re:

Astra Veda Corporation,
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Case No. 25-14283-KHT
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**ORDER GRANTING IN PART AND DENYING IN PART OBJECTION AND MOTION FOR
PROTECTIVE ORDER TO BALLISTIC BARRIER PRODUCTS, INC.'S RULE 2004 MOTION**

THIS MATTER comes before the Court upon the Objection and Motion for Protective Order (the "Motion") filed by creditor and assignee James Michael Davis ("Davis"), appearing pro se. The Court, having reviewed the Motion, the response filed by Ballistic Barrier Products, Inc. ("BBP"), and the record herein, hereby finds and concludes as follows:

FINDINGS

1. The Court has jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334, and venue is proper in this district.
2. The Motion seeks to limit the scope of BBP's request for a Rule 2004 examination and to protect against discovery directed to non-debtor parties and dissolved entities, including Penobscot Enterprises International, Inc.
3. Pursuant to Fed. R. Bankr. P. 2004, examinations are limited to matters concerning the acts, conduct, property, liabilities, and financial condition of the debtor or matters affecting the administration of the estate.
4. The Court finds BBP's Rule 2004 request to be overbroad in that it seeks documents and testimony from non-debtors outside the proper scope of Rule 2004 and beyond the authority of a creditor in a Chapter 7 proceeding.
5. The Court further finds that Trustee Harvey Sender is the fiduciary of the estate and is vested with the statutory authority to pursue discovery on behalf of Astra Veda Corporation as necessary to administer the estate.
6. The Court determines that discovery related to transactions between Astra Veda Corporation, Penobscot Enterprises International, Inc., and James Michael Davis may be relevant only within the statutory lookback periods established under 11 U.S.C. §§ 547 and 548.
7. The Court notes that BBP's motion included an allegation of "embezzlement" by Davis. The Court finds such language to be irrelevant to the administration of this estate and unsupported by any evidence presently

before the Court. The inclusion of that allegation is inconsistent with the professional obligations of counsel and is not considered by the Court in ruling on the present motion.

ORDER

IT IS THEREFORE ORDERED that the Objection and Motion for Protective Order filed by James Michael Davis is **GRANTED IN PART AND DENIED IN PART** as follows:

1. The scope of any Rule 2004 examination or related document production requested by Ballistic Barrier Products, Inc. shall be limited to transactional records and communications between Astra Veda Corporation, Penobscot Enterprises International, Inc., and James Michael Davis occurring within the applicable statutory lookback periods under 11 U.S.C. §§ 547 and 548.
2. No discovery shall be conducted as to non-debtor or personal financial records of James Michael Davis beyond those directly pertaining to Astra Veda Corporation.
3. Any discovery authorized under this Order shall be used solely for purposes of the administration of the Astra Veda Corporation bankruptcy estate and shall not be used for collateral or extrajudicial purposes.
4. The Court admonishes counsel and the parties to refrain from including unsupported or defamatory assertions in filings before this Court and to confine future pleadings to matters relevant to the administration of this estate.
5. All remaining relief requested is denied.

DATED: _____

BY THE COURT:

Hon. Kimberley H. Tyson
United States Bankruptcy Judge
District of Colorado